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Elections to fill vacancies in subsidiary organs and other elections: election of members of the Human Rights Council

Letter dated 9 October 2018 from the Permanent Representative of Burkina Faso to the United Nations addressed to the President of the General Assembly

I have the honour to inform you that the Government of Burkina Faso has decided to present its candidature for election to the Human Rights Council for the period 2019–2021 (see annex) in the election to be held on 12 October 2018 at United Nations Headquarters in New York.

By taking this step, Burkina Faso is expressing its intent to make a continued and strengthened contribution to promoting and protecting human rights at national, regional and international levels, aiming to ensure more effective enjoyment of human rights in the world, in the service of peace and as a guarantee of sustainable and inclusive development.

During its two successive terms on the Human Rights Council (2008–2010 and 2011–2014), Burkina Faso spared no effort to promote and strengthen human rights at the national, regional and international levels, particularly by ratifying the relevant treaties, conventions and protocols, and by developing fruitful cooperation with the Council and its subsidiary organs.

The attached document sets out Burkina Faso's voluntary pledges and achievements with respect to human rights.

(*Signed*) Éric Y. **Tiare**

18-17387 (E) 231018 231018

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Annex to the letter dated 9 October 2018 from the Permanent Representative of Burkina Faso to the United Nations addressed to the President of the General Assembly

Candidature of Burkina Faso for the Human Rights Council for the period 2019–2021

Voluntary pledges and commitments pursuant to General Assembly resolution 60/251

Statement of commitment by Burkina Faso to the United Nations Human Rights Council

1998 marked a pivotal point in Burkina Faso's commitment to translating human rights into action. In that year, it began to lay the foundations of a focus on the rule of law and a determination to protect and promote human rights.

Accordingly, Burkina Faso acceded to the major international human rights instruments, including, on 4 January 1999, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. It is now a party to most of the human-rights-related international and regional conventions.

Significantly, Burkina Faso is one of the countries that has fully incorporated the 1948 Universal Declaration of Human Rights into its constitution. The 1991 Constitution's preamble, an integral part of the document itself, clearly states that Burkina Faso is committed to the Universal Declaration. Furthermore, article 151 of the Constitution provides that "duly ratified and approved treaties and agreements shall have primacy, once promulgated, over laws [...]". International human rights instruments ratified by Burkina Faso therefore become an integral part of the country's body of laws, and their requirements thus have a direct effect for holders of rights resident in Burkina Faso.

Burkina Faso's legislative arsenal is underpinned by a dynamic and tailored institutional framework which promotes and protects the rights of the beneficiaries. As an example, Burkina Faso has undertaken major legal and judicial reform aimed at strengthening guarantees of a fair trial in accordance with the conditions established in article 14 of the International Covenant on Civil and Political Rights. Following the national consultations on justice held in 2015, steps were taken to strengthen the independence of the judiciary; the country's President no longer leads the Supreme Council of Justice. Action has also been taken to bring the National Human Rights Commission into line with the Principles relating to the Status of National Human Rights Institutions (Paris Principles), by means including the adoption of a 2016 act enshrining the administrative and financial independence of that important institution. The Commission's new officers have been installed and have assumed their duties.

Civil society in Burkina Faso is very dynamic, and plays a very important part in defending and upholding human rights. In the interests of enabling the sector to play its proper role, the authorities have established a suitable legislative framework with a significant innovation in the form of an act protecting the rights of human-rights defenders.

Burkina Faso was formerly a de facto abolitionist country. Its conviction that the right to life is sacred and inviolable has led it to join the ranks of de iure abolitionist countries by eliminating the death penalty from its law through the adoption on 31 May 2018 of a new criminal code.

Seeking to promote effective enjoyment of human rights, the Burkina Faso cabinet adopted a new "justice and human rights" sectoral policy on 11 April 2018. The policy covers the period from 2018 to 2027, and articulates the vision that "Burkina Faso has a justice system that is credible, accessible to all, respects the rule of law, and guarantees that the human rights of women and men are upheld, for a peaceful and inclusive nation". The policy, developed through participation, guides all those involved in promoting, protecting and defending human rights in Burkina Faso.

The commitment of Burkina Faso to promoting and protecting human rights has also been furthered by its involvement in the Human Rights Council, as evidenced by its election to the Council in 2008 and 2011. As a candidate for a seat for 2019–2021, Burking Faso intends, in accordance with resolution 60/251, to be involved actively in promoting and protecting human rights.

1. 2011 Statement of commitments

In presenting its previous candidature, Burkina Faso made, and undertook to fulfil, four main commitments.

1.1 Cooperate fully with the mechanisms of the Council, including the special procedures, by responding swiftly and substantively to their messages

During its term on the Council, Burkina Faso worked ceaselessly with the human rights mechanisms, providing responses to requests for information from the special procedures mandate holders, and agreeing to their requests to visit. It submitted its regular reports to the treaty bodies, followed up recommendations resulting from the submission of those reports by establishing plans of action for implementation, and submitted in a timely manner reports on action taken in connection with priority recommendations. Burkina Faso is a regular participant in meetings of the Human Rights Council, the African Commission on Human and Peoples' Rights, the United Nations General Assembly and other international human rights bodies.

1.2 Pursue vigorously the fulfilment of commitments undertaken in order for human rights to take root in Burkina Faso and for peacebuilding efforts worldwide

Since 2008, Le Burkina Faso has had a national strategy to promote a culture of tolerance and peace. The strategy was revised in 2015 to take account of new challenges to the maintenance of peace and security. It provides the Government and stakeholders with tools and mechanisms to help promote peaceful and harmonious coexistence among sections of the population.

Burkina Faso also has a national structure to prevent and address community conflict. Its aim is to help to prevent the numerous human-rights violations caused by such conflict by implementing a strategy for prevention and structural resolution.

All of these accomplishments are proof, if proof were needed, of the unstinting efforts of Burkina Faso to promote and protect human rights. Other accomplishments include:

- Criminalization of torture and enforced disappearances, through the adoption of Act No. 022 2014/AN of 27 May 2014 on the Punishment and Prevention of Torture and Related Practices;
- Rescue and social reintegration of women shunned because they were suspected of witchcraft;
- Rescue and reintegration of children from gold-panning sites.

1.3 Ensure that the commitments assumed under the universal periodic review to address human rights issues are comprehensively met

Over 92 per cent of the accepted recommendations from the previous universal periodic review cycle, held in 2013, have been implemented.

1.4 Take effective action against human rights abuses, including blatant and systematic human rights violations and urgent violations of fundamental rights

In order to fulfil this commitment, Burkina Faso has established an appropriate legal and institutional framework, including the following.

Normative framework

- Act No. 2012-034/AN of 2 July 2012 on agrarian and land reform;
- Act No. 012-2010/AN of 1 April 2010 on the promotion and protection of the rights of persons with disabilities;
- Act No. 60-2009/AN of 17 December 2009 punishing acts of terrorism in Burkina Faso;
- Act No. 61-2009/AN of 17 December 2009 on combating the financing of terrorism;
- Act No. 0034-2009/AN of 24 July 2009 on rural land tenure;
- Act No. 42-2008/AN of 23 October 2008 on the status of refugees in Burkina Faso;
- Act No. 029-2008/AN of 15 May 2008 on combating trafficking in persons and related practices;
- Act No. 011-2014/AN on the punishment of the sale of children, child prostitution and child pornography;
- Act No. 015-2014/AN of 13 May 2014 on the protection of children in conflict with the law or at risk;
- Act No. 060-2015/CNT of 5 September 2015 on a universal health insurance system in Burkina Faso;
- Act No. 061-2015/CNT of 6 September 2015 on the prevention, punishment and reparation of violence against women and girls and support for victims;
- Act No. 084-2015/CNT of 17 December 2015 amending Act No. 60-2009/AN of 17 December 2009 punishing acts of terrorism in Burkina Faso;
- Act No. 10-2017/AN of 10 April 2017 on the prison system in Burkina Faso;
- Act No. 039-2017/AN of 27 June 2017, on the protection of human rights defenders in Burkina Faso.

Institutional framework

- Act No. 006-2017/AN of 19 January 2017 on the establishment, organization and functioning of a specialized judicial hub for the suppression of terrorist acts;
- Act No. 005-2017/AN of 19 January 2017 on the establishment, organization and operation of specialized judicial hubs in the suppression of economic and financial crimes and organized crime;

2. 2018 voluntary commitments

Burkina Faso is well aware that ensuring effective enjoyment of human rights is an unending task, and therefore intends in its third term to continue its current approach to promoting and protecting human rights. The resurgence in recent years of conflicts and other crises that represent a serious threat to human dignity has led Burkina Faso to seek to increase its civic education efforts, focusing on the values of peace, and to share those efforts with the rest of the world. In concrete terms, it undertakes to do the following during this term:

- Support the work of the Office of the High Commissioner for Human Rights and cooperate fully with the human rights protection mechanisms of the Human Rights Council, including its special procedures and treaty bodies;
- Continue the implementation of previous commitments;
- Ensure true implementation of the accepted recommendations from the third universal periodic review cycle;
- Continue its leadership of support for combating female genital mutilation and preventable maternal and infant mortality;
- Strengthen cooperation with civil-society organizations;
- Pursue the taking of effective action against human rights violations;
- Implement the Sustainable Development Goals (2030 Agenda);
- Intensify the combating of violence against women and girls;
- Integrate human rights into the curriculum at the various levels of education, and into the initial training of public servants, in accordance with the World Programme for Human Rights Education;
- Adopt a human-rights-based approach in developing and implementing public policies.

Burkina Faso strongly believes that implementing its commitments will lead to improved effective enjoyment of human rights in the country. It will also rely on international cooperation, as indicated in articles 2, 11 and 15 of the International Covenant on Economic, Social and Cultural Rights, to provide support in its efforts to fulfil these important commitments.